

RESPONSE TO COMMENTS
RCRA DRAFT POST-CLOSURE PERMIT RENEWAL
HAYNES INTERNATIONAL, INC.
KOKOMO, INDIANA
IND984867481

INTRODUCTION

The public comment period for the Haynes International, Inc. Draft Post-Closure Permit Renewal began on June 8, 2007, with a public notice in the Kokomo Tribune, a radio announcement on radio station WMYK, and a mass mailing to interested parties. The notice and announcement requested comments regarding the Draft RCRA Post-Closure Permit Renewal. Written comments were accepted during the public comment period, which ended on July 23, 2007.

This Response to Comments is issued pursuant to 329 IAC 3.1-13-13, which requires that the Indiana Department of Environmental Management (IDEM) shall:

1. briefly describe and respond to all significant comments on the Draft Post-Closure Permit Renewal;
2. specify which provisions, if any, of the Draft Post-Closure Permit Renewal have been changed, and the reasons for the change; and
3. explain the right to request an adjudicatory hearing on the permit as specified in IC 4-21.5.3.5 (see Notice of Decision).

RESPONSE TO PUBLIC COMMENTS

No public comments were received.

RESPONSE TO FACILITY COMMENTS

Pursuant to the issuance of the Draft Post-Closure Permit Renewal dated June 8, 2007, Haynes International, Inc. submitted the following comment in accordance with the public comment procedures. The comment is described in the following section along with the IDEM's response and any changes made as a result of the comment.

COMMENT:

Haynes' comment addresses the facility's:

1. Intention to demonstrate an alternate source for "some or all" of the hazardous constituents being monitored at the South Sludge Landfill (SSLF) under the Compliance Monitoring Program at 40 CFR 264.99 resulting from detections of

- hazardous constituents during historic Appendix IX ground water sampling events;
2. Request to forego the Class 3 modification process by inserting pre-approval language in the permit for reducing the Ground Water Protection Standard (GWPS) constituent list to only those constituents readily attributable to the known waste material placed in the SSLF, following the completion of the alternate source demonstration; and
 3. Request to waive the requirement to include those constituents identified by the alternate source demonstration from the annual Appendix IX sampling constituent list for the SSLF.

RESPONSE:

The preceding requests were found to be inadequate and unacceptable for the following reasons:

1. The contention that the SSLF never accepted waste containing VOCs must be supported by the inclusion of appropriate documentation in an alternate source demonstration report.
2. The IDEM agrees with the assertion that preliminary evidence suggests that an alternate source may be responsible for the presence of some of the hazardous constituents detected at wells within the SSLF monitoring system. However, according to 40 CFR 264.99(i), when making an alternate source demonstration, the facility must submit a complete report of the demonstration to the IDEM along with an application for a permit modification to make any appropriate changes to the compliance monitoring program. They must also continue monitoring in accordance with the established compliance monitoring program until the modification is approved and becomes effective. According to 40 CFR 270.42 Appendix I Section C.5, changes in indicator parameters, hazardous constituents, or concentration limits, requires a Class 3 permit modification.

Haynes was informed about the RCRA Burden Reduction Initiative Rule in a letter dated April 3, 2007. The rule includes streamlining measures that include the ability to conduct some Class 3 permit modifications under Class 1 requirements. The rule was preliminarily adopted by the Indiana Solid Waste Management Board as LSA #06-556 on March 20, 2007, with final adoption expected in late 2007 or early 2008. At this time, however, the requested permit modification requires meeting the current Class 3 permit modification requirements found at 40 CFR 270.42(c).

3. The contention that some “naturally occurring” Appendix IX constituents detected at SSLF wells represent background concentrations, in spite of the fact that they have exceeded the GWPS, must be supported by the inclusion of appropriate statistical documentation in an alternate source demonstration report. The report must be submitted with an application for permit modification, which must be approved by

IDEM before the facility's concentration limits can be revised or removed from the monitoring list.

CHANGE:

None